

SENATE BILL 308

J1, E1

11r0655
CF HB 291

By: **Senators Brinkley, Raskin, Colburn, Currie, Forehand, Jacobs, Jennings, Jones–Rodwell, Kelley, King, Kittleman, Klausmeier, Madaleno, Mathias, Miller, Montgomery, Peters, Pinsky, Pugh, Reilly, Rosapepe, and Zirkin**

Introduced and read first time: February 2, 2011

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Medical Marijuana**

3 FOR the purpose of making marijuana a Schedule II controlled dangerous substance;
4 prohibiting certain persons from distributing or dispensing marijuana to certain
5 persons; providing for a certain penalty; requiring the Department of Health
6 and Mental Hygiene (DHMH) to issue a certain request for proposals to select
7 authorized growers of marijuana for medical use; providing for certain
8 requirements of authorized growers; prohibiting an authorized grower from
9 holding any other permit issued under a certain provision of law or being a
10 physician who prepares a certain written certification; requiring DHMH, jointly
11 with the Department of Agriculture, to adopt certain regulations; requiring
12 DHMH to establish a certain registration program to authorize certain entities
13 to distribute marijuana for medical purposes; authorizing DHMH to charge a
14 certain fee for the issuance of a certain permit; requiring certain entities and
15 individuals to apply for a certain criminal history records check and to submit to
16 certain drug testing; requiring the Department to assign a certain identification
17 number to certain permit holders for certain purposes; requiring certain permit
18 holders to display a certain permit at certain times; requiring certain permit
19 holders to report certain changes to DHMH within a certain time period;
20 authorizing a patient or primary caregiver to provide certain reimbursement to
21 certain entities; prohibiting certain individuals issued a certain permit from
22 holding any other permit issued under a certain provision of law or being a
23 physician who prepares a certain written certification; prohibiting a physician
24 that prepares a certain written certification from holding a permit issued under
25 a certain provision of law; requiring DHMH, in consultation with the Board of
26 Pharmacy and stakeholders to develop certain regulations on or before a certain
27 date; requiring DHMH to establish a registry of qualifying patients and primary
28 caregivers and to issue a certain registry identification card to certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 individuals under certain circumstances; requiring DHMH to approve or deny
2 an application or renewal for a registry identification card within a certain time
3 period and in a certain manner; requiring a registry identification card to
4 include certain information; requiring an individual who has been issued a
5 registry identification card to provide a certain notification to DHMH under
6 certain circumstances; requiring certain physicians to provide notice to certain
7 patients and the Department regarding the withdrawal of a patient's written
8 certification under certain circumstances; requiring the Department to send a
9 certain notice; requiring certain patients and certain primary caregivers to send
10 to the Department a certain registry identification card under certain
11 circumstances and to dispose of any marijuana within the patient's possession
12 within a certain number of days; requiring DHMH to maintain a confidential
13 list of the individuals to whom DHMH has issued registry identification cards;
14 providing that certain individuals and entities may not be subject to certain
15 penalties or denied certain rights for the medical use of marijuana; providing
16 that the possession of a registry identification card does not constitute probable
17 cause to conduct a certain search by a government agency; providing that an
18 individual may not be subject to arrest or prosecution for certain offenses for
19 being in the presence of the medical use of marijuana; requiring certain
20 pharmacies or dispensing centers to dispense a certain amount of usable
21 marijuana to certain individuals for a certain period of time except under
22 certain circumstances; prohibiting certain pharmacies and dispensing centers
23 from dispensing more than a certain amount of marijuana to certain individuals
24 within a certain period of time except under certain circumstances; authorizing
25 certain pharmacies or dispensing centers to dispense more than a certain
26 amount of marijuana to certain individuals under certain circumstances;
27 requiring certain pharmacies and dispensing centers to maintain certain
28 records; requiring qualifying patients, primary caregivers, and certain
29 pharmacies and dispensing centers to follow certain procedures; providing that
30 a patient may be registered at only one pharmacy or dispensing center at a
31 time; establishing procedures for a patient to change an authorized pharmacy or
32 dispensing center; requiring the Secretary of Health and Mental Hygiene to
33 establish a system to monitor the dispensation of marijuana for medical use in
34 the State; providing that a person who knowingly gives certain false
35 information is subject to a certain penalty; requiring certain physicians,
36 pharmacies, and dispensing centers to provide certain information to the
37 Secretary; providing for the construction of this Act; providing that this Act may
38 not be construed to provide immunity to certain persons; providing that this Act
39 may not be construed to require certain insurance reimbursement; requiring
40 DHMH to submit certain reports to the Governor and General Assembly on or
41 before certain dates; requiring DHMH to adopt certain regulations on or before
42 a certain date; authorizing DHMH to accept certain funds; requiring DHMH to
43 use certain fees in a certain manner; requiring DHMH to distribute certain
44 funds to drug rehabilitation programs throughout the State; defining certain
45 terms; and generally relating to marijuana for medical use.

46 BY renumbering

47 Article – Criminal Law

1 Section 5–403(d), (e), and (f), respectively
2 to be Section 5–403(e), (f), and (g), respectively
3 Annotated Code of Maryland
4 (2002 Volume and 2010 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – Criminal Law
7 Section 5–402(d)(1)
8 Annotated Code of Maryland
9 (2002 Volume and 2010 Supplement)

10 BY adding to
11 Article – Criminal Law
12 Section 5–403(d) and 5–611
13 Annotated Code of Maryland
14 (2002 Volume and 2010 Supplement)

15 BY adding to
16 Article – Health – General
17 Section 13–3001 through 13–3013 to be under the new subtitle “Subtitle 30.
18 Medical Marijuana”
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2010 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That Section(s) 5–403(d), (e), and (f), respectively, of Article – Criminal
23 Law of the Annotated Code of Maryland be renumbered to be Section(s) 5–403(e), (f),
24 and (g), respectively.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
26 read as follows:

27 Article – Criminal Law

28 5–402.

29 (d) (1) A material, compound, mixture, or preparation that contains any of
30 the following hallucinogenic or hallucinogenic–like substances is a substance listed in
31 Schedule I:

32 (i) bufotenine;

33 (ii) diethyltryptamine;

34 (iii) dimethyltryptamine;

35 (iv) 4–methyl–2, 5–dimethoxyamphetamine;

- 1 (v) ibogaine;
- 2 (vi) lysergic acid diethylamide;
- 3 [(vii) marijuana;]
- 4 [(viii) (VII) mescaline;
- 5 [(ix) (VIII) peyote;
- 6 [(x) (IX) psilocybin;
- 7 [(xi) (X) psilocyn;
- 8 [(xii) (XI) tetrahydrocannabinol;
- 9 [(xiii) (XII) thiophene analog of phencyclidine;
- 10 [(xiv) (XIII) 2, 5-dimethoxyamphetamine;
- 11 [(xv) (XIV) 4-bromo-2, 5-dimethoxyamphetamine;
- 12 [(xvi) (XV) 4-methoxyamphetamine;
- 13 [(xvii) (XVI) 3, 4-methylenedioxyamphetamine;
- 14 [(xviii) (XVII) 3, 4-methylenedioxymethamphetamine (MDMA);
- 15 [(xix) (XVIII) 5-methoxy-3, 4-methylenedioxyamphetamine;
- 16 [(xx) (XIX) 3, 4, 5-trimethoxyamphetamine;
- 17 [(xxi) (XX) N-methyl-3-piperidyl benzilate;
- 18 [(xxii) (XXI) N-ethyl-3-piperidyl benzilate;
- 19 [(xxiii) (XXII) N-ethyl-1-phenylcyclohexylamine;
- 20 [(xxiv) (XXIII) 1-(1-phenylcyclohexyl)-pyrrolidine;
- 21 [(xxv) (XXIV) 1-(1-(2-thienyl)-cyclohexyl)-piperidine;
- 22 [(xxvi) (XXV) 1-methyl-4-phenyl-4-propionoxypiperidine
- 23 (MPPP); and

1 [(xxvii)](XXVI) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine
2 (PEPAP).

3 5-403.

4 (D) A MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT
5 CONTAINS MARIJUANA IS A SUBSTANCE LISTED IN SCHEDULE II.

6 5-611.

7 (A) A PERSON WHO IS EMPLOYED BY A PHARMACY OR A DISPENSING
8 CENTER REGISTERED WITH THE DEPARTMENT OF HEALTH AND MENTAL
9 HYGIENE TO DISPENSE MARIJUANA UNDER TITLE 13, SUBTITLE 30 OF THE
10 HEALTH – GENERAL ARTICLE MAY NOT DISTRIBUTE OR DISPENSE MARIJUANA
11 EXCEPT TO A REGISTERED QUALIFYING PATIENT OR A REGISTERED PRIMARY
12 CAREGIVER.

13 (B) A PERSON WHO IS REGISTERED WITH THE DEPARTMENT OF
14 HEALTH AND MENTAL HYGIENE AS A QUALIFYING PATIENT OR A PATIENT'S
15 PRIMARY CAREGIVER UNDER TITLE 13, SUBTITLE 30 OF THE
16 HEALTH – GENERAL ARTICLE MAY NOT DISTRIBUTE OR DISPENSE MARIJUANA
17 TO ANOTHER PERSON WHO IS NOT A REGISTERED QUALIFYING PATIENT OR
18 PRIMARY CAREGIVER.

19 (C) A PERSON WHO VIOLATES SUBSECTION (A) OR (B) OF THIS SECTION
20 IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT
21 NOT EXCEEDING 7 YEARS OR A FINE NOT EXCEEDING \$7,000 OR BOTH.

22 Article – Health – General

23 SUBTITLE 30. MEDICAL MARIJUANA.

24 13-3001.

25 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

27 (B) “AUTHORIZED GROWER” MEANS AN ENTITY THAT:

28 (1) IS SELECTED BY THE DEPARTMENT UNDER THIS SUBTITLE TO
29 CULTIVATE MARIJUANA; AND

30 (2) MAY DISPENSE MARIJUANA CULTIVATED BY THE ENTITY TO A
31 PHARMACY THAT HOLDS A REGISTRATION PERMIT TO DISTRIBUTE MARIJUANA
32 UNDER THIS SUBTITLE OR TO A DISPENSING CENTER FOR A FEE.

1 **(C) “BONA FIDE PHYSICIAN–PATIENT RELATIONSHIP” MEANS A**
2 **RELATIONSHIP IN WHICH THE PHYSICIAN HAS ONGOING RESPONSIBILITY FOR**
3 **THE ASSESSMENT, CARE, AND TREATMENT OF A PATIENT’S MEDICAL**
4 **CONDITION.**

5 **(D) “DEBILITATING MEDICAL CONDITION” MEANS A CHRONIC OR**
6 **DEBILITATING DISEASE OR MEDICAL CONDITION OR THE TREATMENT OF A**
7 **CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION THAT PRODUCES**
8 **ONE OR MORE OF THE FOLLOWING:**

9 **(1) CACHEXIA OR WASTING SYNDROME;**

10 **(2) SEVERE OR CHRONIC PAIN;**

11 **(3) SEVERE NAUSEA;**

12 **(4) SEIZURES;**

13 **(5) SEVERE AND PERSISTENT MUSCLE SPASMS; OR**

14 **(6) AS DOCUMENTED BY THE PHYSICIAN WITH WHOM THE**
15 **PATIENT HAS A BONA FIDE PHYSICIAN–PATIENT RELATIONSHIP, ANY OTHER**
16 **CONDITION THAT IS SEVERE AND RESISTANT TO CONVENTIONAL MEDICINE.**

17 **(E) “DISPENSING CENTER” MEANS AN ENTITY REGISTERED UNDER**
18 **THIS SUBTITLE THAT ACQUIRES, POSSESSES, DELIVERS, TRANSFERS,**
19 **TRANSPORTS, SUPPLIES, OR DISPENSES MARIJUANA OR RELATED SUPPLIES**
20 **AND EDUCATIONAL MATERIALS.**

21 **(F) “MARIJUANA” HAS THE MEANING STATED IN § 5–101 OF THE**
22 **CRIMINAL LAW ARTICLE.**

23 **(G) “MEDICAL USE” MEANS THE ACQUISITION, POSSESSION,**
24 **CULTIVATION, MANUFACTURE, USE, DELIVERY, SALE, TRANSFER, OR**
25 **TRANSPORTATION OF MARIJUANA OR PARAPHERNALIA RELATING TO THE**
26 **ADMINISTRATION OF MARIJUANA TO TREAT OR ALLEVIATE A PATIENT’S**
27 **CONDITION OR SYMPTOMS.**

28 **(H) “PHYSICIAN” MEANS AN INDIVIDUAL LICENSED BY THE STATE**
29 **BOARD OF PHYSICIANS UNDER TITLE 14 OF THE HEALTH OCCUPATIONS**
30 **ARTICLE TO PRACTICE MEDICINE.**

31 **(I) (1) “PRIMARY CAREGIVER” MEANS A RESIDENT OF THE STATE**
32 **WHO:**

1 **(I) IS AT LEAST 18 YEARS OLD;**

2 **(II) HAS AGREED TO ASSIST WITH ONLY ONE QUALIFYING**
3 **PATIENT'S MEDICAL USE OF MARIJUANA AT A TIME;**

4 **(III) HAS BEEN DESIGNATED AS PRIMARY CAREGIVER ON**
5 **THE QUALIFYING PATIENT'S APPLICATION OR RENEWAL FOR A REGISTRY**
6 **IDENTIFICATION CARD OR IN OTHER WRITTEN NOTIFICATION TO THE**
7 **DEPARTMENT; AND**

8 **(IV) HAS SATISFIED THE CRIMINAL HISTORY RECORDS**
9 **CHECK REQUIRED UNDER § 13-3004 OF THIS SUBTITLE.**

10 **(2) "PRIMARY CAREGIVER" DOES NOT INCLUDE THE QUALIFYING**
11 **PATIENT'S PHYSICIAN.**

12 **(J) "QUALIFYING PATIENT" MEANS A RESIDENT OF THE STATE WHO:**

13 **(1) IS AT LEAST 18 YEARS OLD; AND**

14 **(2) HAS BEEN PROVIDED WITH WRITTEN CERTIFICATION BY A**
15 **PHYSICIAN PURSUANT TO A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP.**

16 **(K) "REGISTRY IDENTIFICATION CARD" MEANS A DOCUMENT ISSUED BY**
17 **THE DEPARTMENT THAT IDENTIFIES AN INDIVIDUAL AS A QUALIFYING PATIENT**
18 **OR PRIMARY CAREGIVER.**

19 **(L) (1) "USABLE MARIJUANA" MEANS THE DRIED LEAVES AND**
20 **FLOWERS OF MARIJUANA AND ANY MIXTURE OR PREPARATION OF THE DRIED**
21 **LEAVES AND FLOWERS.**

22 **(2) "USABLE MARIJUANA" DOES NOT INCLUDE THE SEEDS,**
23 **STALKS, OR ROOTS OF THE PLANT.**

24 **(M) "WRITTEN CERTIFICATION" MEANS A CERTIFICATION THAT MEETS**
25 **THE REQUIREMENTS OF § 13-3004(A)(2) OF THIS SUBTITLE.**

26 **13-3002.**

27 **(A) THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS TO**
28 **SELECT AUTHORIZED GROWERS OF MARIJUANA FOR MEDICAL USE IN THE**
29 **STATE.**

1 **(B) (1) THE INITIAL REQUEST FOR PROPOSALS ISSUED UNDER THIS**
2 **SECTION SHALL BE FOR AN AMOUNT SET BY THE DEPARTMENT IN**
3 **REGULATIONS.**

4 **(2) THE DEPARTMENT MAY SET THE MINIMUM PROPOSAL**
5 **AMOUNT FOR ANY SUBSEQUENT REQUEST FOR PROPOSALS ISSUED BY THE**
6 **DEPARTMENT UNDER THIS SECTION.**

7 **(3) THE DEPARTMENT SHALL SELECT THE FEWEST NUMBER OF**
8 **AUTHORIZED GROWERS UNDER THIS SECTION AS NECESSARY TO PROVIDE AN**
9 **APPROPRIATE SUPPLY OF MEDICAL MARIJUANA TO MEET THE ANTICIPATED**
10 **DEMAND OF ALL QUALIFYING PATIENTS IN THE STATE.**

11 **(C) AN AUTHORIZED GROWER SHALL:**

12 **(1) CULTIVATE THE MARIJUANA IN THE STATE;**

13 **(2) MEET CERTAIN SECURITY AND SAFETY STANDARDS THAT MAY**
14 **BE VERIFIED BY AN OUTSIDE ENTITY AS APPROVED BY THE DEPARTMENT;**

15 **(3) SUBMIT TO PHARMACOLOGICAL TESTING OF THE MARIJUANA**
16 **TO ENSURE:**

17 **(I) CONSISTENCY OF THE MARIJUANA CULTIVATED UNDER**
18 **THIS SUBTITLE; AND**

19 **(II) THAT THERE IS NO ADULTERATION OR CONTAMINATION**
20 **OF THE MARIJUANA; AND**

21 **(4) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK AND TO**
22 **PERIODIC DRUG TESTING, AS DETERMINED BY THE DEPARTMENT IN**
23 **REGULATIONS, FOR ANY EMPLOYEE OF THE AUTHORIZED GROWER AS**
24 **PROVIDED FOR IN THIS SUBTITLE.**

25 **(D) AN AUTHORIZED GROWER MAY NOT:**

26 **(1) HOLD ANY OTHER PERMIT ISSUED UNDER THIS SUBTITLE; OR**

27 **(2) BE A PHYSICIAN WHO PREPARES A WRITTEN CERTIFICATION**
28 **SUBMITTED TO THE DEPARTMENT UNDER § 13-3004 OF THIS SUBTITLE.**

29 **(E) (1) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF POSSESSION**
30 **OR SALE OF A CONTROLLED DANGEROUS SUBSTANCE MAY NOT BE AN**
31 **EMPLOYEE OF AN AUTHORIZED GROWER, UNLESS THE CONVICTION WAS FOR A**

1 VIOLATION OF FEDERAL LAW RELATING TO POSSESSION OR SALE OF
2 MARIJUANA FOR CONDUCT THAT IS LEGAL UNDER THIS SUBTITLE.

3 (2) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A FELONY MAY
4 NOT BE AN EMPLOYEE OF AN AUTHORIZED GROWER.

5 (F) THE DEPARTMENT, JOINTLY WITH THE DEPARTMENT OF
6 AGRICULTURE, SHALL ADOPT REGULATIONS TO BE FOLLOWED BY AN
7 AUTHORIZED GROWER, INCLUDING:

8 (1) THE STANDARDS TO BE USED IN CULTIVATING THE
9 MARIJUANA;

10 (2) THE SECURITY FEATURES TO BE REQUIRED ON THE PREMISES
11 AND IN TRANSPORT TO AN ENTITY THAT OBTAINS A PERMIT TO DISPENSE
12 MARIJUANA;

13 (3) THE LOCATION OF THE AUTHORIZED GROWER, INCLUDING
14 THE CONSIDERATION OF THE PROXIMITY OF THE ENTITY TO SCHOOLS; AND

15 (4) THE ESTABLISHMENT OF A SYSTEM TO TRACK THE AMOUNT
16 OF MARIJUANA DISPENSED AND TO WHOM THE MARIJUANA IS DISPENSED.

17 13-3003.

18 (A) (1) (i) THE DEPARTMENT SHALL ESTABLISH A REGISTRATION
19 PROGRAM TO AUTHORIZE ENTITIES TO DISTRIBUTE MARIJUANA FOR MEDICAL
20 PURPOSES.

21 (ii) THE DEPARTMENT SHALL CHARGE A REASONABLE FEE
22 FOR THE ISSUANCE OF A REGISTRATION PERMIT UNDER THIS SECTION THAT IS
23 BASED ON THE AMOUNT OF THE MARIJUANA DISTRIBUTED BY THE ENTITY.

24 (2) THE FOLLOWING ENTITIES MAY REGISTER WITH THE
25 DEPARTMENT TO DISTRIBUTE MARIJUANA FOR MEDICAL PURPOSES:

26 (i) A PHARMACY THAT HOLDS A PHARMACY PERMIT
27 ISSUED BY THE BOARD OF PHARMACY; OR

28 (ii) A DISPENSING CENTER AS PROVIDED FOR IN THIS
29 SECTION.

30 (B) THE DEPARTMENT SHALL REQUIRE AN APPLICANT FOR A PERMIT
31 TO PROVIDE THE FOLLOWING INFORMATION TO THE DEPARTMENT:

1 **(1) THE NAME OF THE INDIVIDUAL WHO IS RESPONSIBLE FOR**
2 **OPERATING THE PHARMACY OR DISPENSING CENTER;**

3 **(2) THE NAMES OF ANY EMPLOYEES, WHETHER VOLUNTEER OR**
4 **PAID;**

5 **(3) THE LOCATION OF THE PHARMACY OR DISPENSING CENTER;**

6 **(4) THE SECURITY MEASURES THAT WILL BE FOLLOWED BY THE**
7 **PHARMACY OR DISPENSING CENTER IN RECEIVING, STORING, AND DISPENSING**
8 **THE MARIJUANA;**

9 **(5) THE METHOD BY WHICH THE PHARMACY OR DISPENSING**
10 **CENTER WILL ACCOUNT FOR THE AMOUNT OF MARIJUANA RECEIVED AND**
11 **DISPENSED; AND**

12 **(6) ANY OTHER INFORMATION THAT THE DEPARTMENT**
13 **CONSIDERS NECESSARY.**

14 **(c) (1) AN ENTITY SEEKING TO DISPENSE OR CULTIVATE MARIJUANA**
15 **UNDER THIS SUBTITLE SHALL APPLY TO THE CENTRAL REPOSITORY FOR A**
16 **STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH**
17 **EMPLOYEE OF THE ENTITY.**

18 **(2) AS PART OF THE APPLICATION FOR THE CRIMINAL HISTORY**
19 **RECORDS CHECK, THE ENTITY SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

20 **(i) TWO COMPLETE SETS OF THE EMPLOYEE'S LEGIBLE**
21 **FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE**
22 **CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF**
23 **INVESTIGATION;**

24 **(ii) ANY FEE REQUIRED UNDER STATE LAW FOR ACCESS TO**
25 **STATE CRIMINAL HISTORY RECORDS; AND**

26 **(iii) THE MANDATORY PROCESSING FEE REQUIRED BY THE**
27 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**
28 **RECORDS CHECK.**

29 **(3) THE CENTRAL REPOSITORY SHALL FORWARD TO THE**
30 **EMPLOYEE AND THE DEPARTMENT THE EMPLOYEE'S CRIMINAL HISTORY**
31 **RECORD INFORMATION.**

32 **(4) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**
33 **UNDER THIS SUBSECTION IS CONFIDENTIAL AND MAY NOT BE DISSEMINATED.**

1 **(5) (I) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF**
2 **POSSESSION OR SALE OF A CONTROLLED DANGEROUS SUBSTANCE MAY NOT BE**
3 **ISSUED A PERMIT TO OPERATE A DISPENSING CENTER OR PHARMACY OR BE AN**
4 **EMPLOYEE OF A DISPENSING CENTER OR PHARMACY, UNLESS THE CONVICTION**
5 **WAS FOR A VIOLATION OF FEDERAL LAW RELATING TO POSSESSION OR SALE OF**
6 **MARIJUANA FOR CONDUCT THAT IS LEGAL UNDER THIS SUBTITLE.**

7 **(II) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A**
8 **FELONY MAY NOT BE ISSUED A PERMIT TO OPERATE A DISPENSING CENTER OR**
9 **PHARMACY OR BE AN EMPLOYEE OF A DISPENSING CENTER OR PHARMACY.**

10 **(D) AN ENTITY SEEKING TO DISPENSE OR CULTIVATE MARIJUANA**
11 **UNDER THIS SUBTITLE SHALL REQUIRE EACH EMPLOYEE OF THE ENTITY TO**
12 **SUBMIT TO PERIODIC DRUG TESTING AS DETERMINED BY THE DEPARTMENT IN**
13 **REGULATIONS.**

14 **(E) (1) THE DEPARTMENT SHALL ISSUE A PERMIT TO AN INDIVIDUAL**
15 **TO OPERATE A DISPENSING CENTER OR PHARMACY IF:**

16 **(I) THE REQUIREMENTS OF THIS SECTION ARE MET; AND**

17 **(II) THE DEPARTMENT HAS VERIFIED THE INFORMATION**
18 **CONTAINED IN THE APPLICATION.**

19 **(2) THE DEPARTMENT SHALL APPROVE OR DENY AN**
20 **APPLICATION WITHIN 60 DAYS AFTER RECEIPT OF A COMPLETED APPLICATION.**

21 **(3) (I) THE DEPARTMENT SHALL ASSIGN TO EACH INDIVIDUAL**
22 **WHO HAS BEEN ISSUED A PERMIT UNDER THIS SECTION A UNIQUE DISPENSING**
23 **CENTER OR PHARMACY IDENTIFICATION NUMBER.**

24 **(II) THE IDENTIFICATION NUMBER ASSIGNED UNDER THIS**
25 **PARAGRAPH SHALL:**

26 **1. BE PRINTED ON A REGISTRY IDENTIFICATION**
27 **CARD ISSUED UNDER § 13-3004 OF THIS SUBTITLE; AND**

28 **2. IDENTIFY THE ONLY DISPENSING CENTER OR**
29 **PHARMACY FROM WHICH THE REGISTRY IDENTIFICATION CARD HOLDER IS**
30 **AUTHORIZED TO OBTAIN MARIJUANA.**

31 **(4) A DENIAL OF AN APPLICATION SHALL BE CONSIDERED A**
32 **FINAL AGENCY DECISION FOR PURPOSES OF JUDICIAL REVIEW UNDER THE**
33 **ADMINISTRATIVE PROCEDURE ACT.**

1 **(F) AN INDIVIDUAL WHO HAS BEEN ISSUED A PERMIT UNDER THIS**
2 **SECTION SHALL DISPLAY THE PERMIT AT THE PHARMACY OR DISPENSING**
3 **CENTER AT ALL TIMES WHEN THE PHARMACY OR DISPENSING CENTER IS IN**
4 **POSSESSION OF THE MARIJUANA.**

5 **(G) A PERMIT HOLDER SHALL REPORT ANY CHANGE IN INFORMATION**
6 **TO THE DEPARTMENT NO LATER THAN 10 DAYS AFTER THE CHANGE OR THE**
7 **PERMIT WILL BE CONSIDERED VOID.**

8 **(H) A PATIENT OR A PRIMARY CAREGIVER OF THE PATIENT MAY**
9 **REIMBURSE THE PHARMACY OR DISPENSING CENTER FOR REASONABLE COSTS**
10 **ASSOCIATED WITH THE PRODUCTION OF MARIJUANA FOR THE CARDHOLDER.**

11 **(I) AN INDIVIDUAL WHO HAS BEEN ISSUED A PERMIT UNDER THIS**
12 **SECTION MAY NOT:**

13 **(1) HOLD ANY OTHER PERMIT ISSUED UNDER THIS SUBTITLE; OR**

14 **(2) BE A PHYSICIAN WHO PREPARES A WRITTEN CERTIFICATION**
15 **SUBMITTED TO THE DEPARTMENT UNDER § 13-3004 OF THIS SUBTITLE.**

16 **(J) ON OR BEFORE JULY 1, 2012, THE DEPARTMENT, IN**
17 **CONSULTATION WITH THE BOARD OF PHARMACY AND STAKEHOLDERS, SHALL**
18 **DEVELOP REGULATIONS REGARDING THE PROCEDURES TO BE FOLLOWED BY**
19 **PHARMACIES AND DISPENSING CENTERS IN DISPENSING MARIJUANA UNDER**
20 **THIS SUBTITLE.**

21 **13-3004.**

22 **(A) (1) THE DEPARTMENT SHALL ESTABLISH A REGISTRY OF**
23 **QUALIFYING PATIENTS AND SHALL ISSUE A REGISTRY IDENTIFICATION CARD**
24 **WITH A PHOTOGRAPH TO A QUALIFYING PATIENT WHO SUBMITS THE**
25 **FOLLOWING INFORMATION TO THE DEPARTMENT:**

26 **(i) WRITTEN CERTIFICATION THAT THE INDIVIDUAL IS A**
27 **QUALIFYING PATIENT;**

28 **(ii) AN APPLICATION OR RENEWAL FEE THAT MAY BE**
29 **BASED ON A SLIDING SCALE AS DETERMINED BY THE SECRETARY;**

30 **(iii) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE**
31 **QUALIFYING PATIENT, INCLUDING DOCUMENTATION ESTABLISHING PROOF OF**
32 **IDENTITY AND RESIDENCY TO THE SATISFACTION OF THE DEPARTMENT;**

1 (IV) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF
2 THE QUALIFYING PATIENT'S PHYSICIAN WHO PREPARED THE WRITTEN
3 CERTIFICATION SUBMITTED UNDER ITEM (I) OF THIS PARAGRAPH; AND

4 (V) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE
5 QUALIFYING PATIENT'S PRIMARY CAREGIVER, IF ANY.

6 (2) THE WRITTEN CERTIFICATION REQUIRED UNDER PARAGRAPH
7 (1)(I) OF THIS SUBSECTION SHALL:

8 (I) BE PREPARED BY A PHYSICIAN:

9 1. WITH WHOM THE PATIENT HAS A BONA FIDE
10 PHYSICIAN-PATIENT RELATIONSHIP;

11 2. WHO IS THE PRIMARY CARE PHYSICIAN, HOSPICE
12 PHYSICIAN, OR PHYSICIAN RESPONSIBLE FOR ONGOING TREATMENT OF THE
13 PATIENT'S DEBILITATING MEDICAL CONDITION; AND

14 3. WHOSE TREATMENT OF THE PATIENT MAY NOT BE
15 LIMITED TO AUTHORIZATION FOR THE PATIENT TO USE MEDICAL MARIJUANA
16 OR CONSULTATION FOR THAT PURPOSE; AND

17 (II) INCLUDE A STATEMENT BY THE PHYSICIAN THAT:

18 1. IN THE PHYSICIAN'S PROFESSIONAL OPINION,
19 AFTER HAVING COMPLETED A FULL ASSESSMENT OF THE PATIENT'S MEDICAL
20 HISTORY AND CURRENT MEDICAL CONDITION, THE PATIENT HAS A
21 DEBILITATING MEDICAL CONDITION FOR WHICH:

22 A. RECOGNIZED DRUGS OR TREATMENTS WOULD
23 NOT BE EFFECTIVE; OR

24 B. OTHER TREATMENT OPTIONS HAVE MORE
25 SERIOUS SIDE EFFECTS OR A GREATER RISK OF ADDICTION; AND

26 2. THE POTENTIAL BENEFITS OF THE MEDICAL USE
27 OF MARIJUANA WOULD LIKELY OUTWEIGH THE HEALTH RISKS FOR THE
28 PATIENT.

29 (3) A PHYSICIAN WHO PREPARES A WRITTEN CERTIFICATION
30 SUBMITTED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION MAY NOT HOLD ANY
31 PERMIT ISSUED UNDER THIS SUBTITLE.

1 **(B) THE DEPARTMENT SHALL ESTABLISH A REGISTRY OF PRIMARY**
2 **CAREGIVERS AND SHALL ISSUE A REGISTRY IDENTIFICATION CARD TO A**
3 **PRIMARY CAREGIVER WHO SUBMITS THE FOLLOWING INFORMATION TO THE**
4 **DEPARTMENT:**

5 **(1) AN APPLICATION OR RENEWAL FEE THAT MAY BE BASED ON A**
6 **SLIDING SCALE AS DETERMINED BY THE SECRETARY;**

7 **(2) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE**
8 **QUALIFYING PATIENT, INCLUDING DOCUMENTATION ESTABLISHING PROOF OF**
9 **IDENTITY AND RESIDENCY TO THE SATISFACTION OF THE DEPARTMENT;**

10 **(3) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE**
11 **PATIENT'S PHYSICIAN WHO PREPARED THE WRITTEN CERTIFICATION**
12 **SUBMITTED FOR THE PATIENT UNDER SUBSECTION (A) OF THIS SECTION; AND**

13 **(4) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE PRIMARY**
14 **CAREGIVER.**

15 **(C) BEFORE ISSUING AN IDENTIFICATION CARD, THE DEPARTMENT**
16 **SHALL:**

17 **(1) VERIFY THE INFORMATION CONTAINED IN THE APPLICATION**
18 **OR RENEWAL FORM SUBMITTED UNDER THIS SECTION; AND**

19 **(2) REQUIRE THE QUALIFYING PATIENT OR THE PRIMARY**
20 **CAREGIVER TO CHOOSE THE DISPENSING CENTER OR PHARMACY FROM WHICH**
21 **THE REGISTRANT WILL BE OBTAINING THE MARIJUANA.**

22 **(D) (1) THE DEPARTMENT SHALL:**

23 **(I) APPROVE OR DENY AN APPLICATION OR RENEWAL**
24 **WITHIN 30 DAYS OF RECEIPT OF THE APPLICATION OR RENEWAL; AND**

25 **(II) ISSUE A REGISTRY IDENTIFICATION CARD WITHIN 5**
26 **DAYS OF APPROVING THE APPLICATION OR RENEWAL.**

27 **(2) THE DEPARTMENT MAY DENY AN APPLICATION OR RENEWAL**
28 **ONLY IF THE APPLICANT FAILS TO PROVIDE THE INFORMATION REQUIRED**
29 **UNDER THIS SECTION OR IF THE DEPARTMENT DETERMINES THAT THE**
30 **INFORMATION WAS FALSIFIED.**

31 **(3) DENIAL OF THE APPLICATION SHALL BE CONSIDERED A FINAL**
32 **AGENCY DECISION FOR PURPOSES OF JUDICIAL REVIEW UNDER THE**
33 **ADMINISTRATIVE PROCEDURE ACT.**

1 **(E) (1) THE DEPARTMENT SHALL REQUIRE EACH APPLICANT**
2 **SEEKING TO SERVE AS PRIMARY CAREGIVER TO APPLY TO THE CENTRAL**
3 **REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS**
4 **CHECK.**

5 **(2) THE DEPARTMENT SHALL PROVISIONALLY APPROVE AN**
6 **APPLICATION TO SERVE AS PRIMARY CAREGIVER PENDING THE RESULTS OF A**
7 **CRIMINAL HISTORY RECORDS CHECK.**

8 **(3) AS PART OF THE APPLICATION FOR THE CRIMINAL HISTORY**
9 **RECORDS CHECK, THE APPLICANT SHALL SUBMIT TO THE CENTRAL**
10 **REPOSITORY:**

11 **(I) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE**
12 **FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE**
13 **CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF**
14 **INVESTIGATION;**

15 **(II) ANY FEE REQUIRED UNDER STATE LAW FOR ACCESS TO**
16 **STATE CRIMINAL HISTORY RECORDS; AND**

17 **(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE**
18 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**
19 **RECORDS CHECK.**

20 **(4) THE CENTRAL REPOSITORY SHALL FORWARD TO THE**
21 **APPLICANT AND TO THE DEPARTMENT THE EMPLOYEE'S CRIMINAL HISTORY**
22 **RECORD INFORMATION.**

23 **(5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**
24 **UNDER THIS SUBSECTION IS CONFIDENTIAL AND MAY NOT BE DISSEMINATED.**

25 **(6) (I) AN APPLICANT WHO HAS BEEN CONVICTED OF**
26 **POSSESSION OR SALE OF A CONTROLLED DANGEROUS SUBSTANCE MAY NOT**
27 **SERVE AS A PRIMARY CAREGIVER, UNLESS THE CONVICTION OCCURRED ON OR**
28 **AFTER OCTOBER 1, 2011, AND WAS FOR A VIOLATION OF FEDERAL LAW**
29 **RELATING TO POSSESSION OR SALE OF MARIJUANA FOR CONDUCT THAT IS**
30 **LEGAL UNDER THIS SUBTITLE.**

31 **(II) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A**
32 **FELONY MAY NOT BE ISSUED A REGISTRY IDENTIFICATION CARD TO SERVE AS A**
33 **PRIMARY CAREGIVER.**

1 **(7) ON RECEIPT OF THE CRIMINAL HISTORY RECORDS CHECK**
2 **FROM THE CENTRAL REPOSITORY, THE SECRETARY SHALL NOTIFY THE**
3 **APPLICANT IN WRITING OF THE APPLICANT'S QUALIFICATION OR**
4 **DISQUALIFICATION FOR SERVING AS A PRIMARY CAREGIVER.**

5 **(F) (1) A REGISTRY IDENTIFICATION CARD SHALL CONTAIN THE**
6 **FOLLOWING INFORMATION:**

7 **(I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE**
8 **QUALIFYING PATIENT;**

9 **(II) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE**
10 **QUALIFYING PATIENT'S PRIMARY CAREGIVER, IF ANY;**

11 **(III) THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE**
12 **REGISTRY IDENTIFICATION CARD;**

13 **(IV) PHOTO IDENTIFICATION OF THE CARDHOLDER;**

14 **(V) THE IDENTIFICATION CODE OF THE AUTHORIZED**
15 **DISPENSING CENTER OR PHARMACY; AND**

16 **(VI) ANY OTHER INFORMATION PROVIDED FOR BY THE**
17 **DEPARTMENT IN REGULATIONS.**

18 **(2) (I) A PATIENT WHO HAS BEEN ISSUED A REGISTRY**
19 **IDENTIFICATION CARD SHALL NOTIFY THE DEPARTMENT OF ANY CHANGE IN**
20 **THE PATIENT'S NAME, ADDRESS, PHYSICIAN OR PRIMARY CAREGIVER, OR**
21 **CHANGE IN STATUS OF THE PATIENT'S DEBILITATING MEDICAL CONDITION**
22 **WITHIN 10 DAYS OF THE CHANGE OR THE REGISTRY IDENTIFICATION CARD**
23 **SHALL BE CONSIDERED VOID.**

24 **(II) A PRIMARY CAREGIVER WHO HAS BEEN ISSUED A**
25 **REGISTRY IDENTIFICATION CARD SHALL NOTIFY THE DEPARTMENT OF ANY**
26 **CHANGE IN THE PRIMARY CAREGIVER'S NAME OR ADDRESS WITHIN 10 DAYS OF**
27 **THE CHANGE OR THE REGISTRY IDENTIFICATION CARD SHALL BE CONSIDERED**
28 **VOID.**

29 **(III) 1. IF THERE IS A CHANGE IN THE STATUS OF A**
30 **PATIENT'S DEBILITATING MEDICAL CONDITION THAT REQUIRES A PHYSICIAN**
31 **TO WITHDRAW THE PATIENT'S WRITTEN CERTIFICATION, THE PHYSICIAN SHALL**
32 **PROVIDE WRITTEN NOTICE TO THE PATIENT AND THE DEPARTMENT WITHIN 10**
33 **DAYS OF THE CHANGE.**

1 **2. ON RECEIPT OF A PHYSICIAN'S NOTICE OF**
2 **WITHDRAWAL OF A PATIENT'S WRITTEN CERTIFICATION, THE DEPARTMENT**
3 **SHALL:**

4 **A. REVOKE THE PATIENT'S AND, IF APPLICABLE,**
5 **THE PATIENT'S PRIMARY CAREGIVER'S REGISTRY IDENTIFICATION CARD; AND**

6 **B. SEND THE PATIENT AND, IF APPLICABLE, THE**
7 **PATIENT'S PRIMARY CAREGIVER A REVOCATION NOTICE REQUIRING THE**
8 **IMMEDIATE RETURN OF ALL REGISTRY IDENTIFICATION CARDS.**

9 **3. ON RECEIPT OF A REVOCATION NOTICE UNDER**
10 **SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A PATIENT AND, IF**
11 **APPLICABLE, A PATIENT'S PRIMARY CAREGIVER SHALL:**

12 **A. IMMEDIATELY SEND THE DEPARTMENT THE**
13 **REGISTRY IDENTIFICATION CARD OF THE PATIENT AND, IF APPLICABLE, THE**
14 **PATIENT'S PRIMARY CAREGIVER; AND**

15 **B. HAVE 15 DAYS TO DISPOSE OF ANY MARIJUANA IN**
16 **THE PATIENT'S POSSESSION.**

17 **(G) (1) THE DEPARTMENT SHALL MAINTAIN A CONFIDENTIAL LIST**
18 **OF THE INDIVIDUALS TO WHOM THE DEPARTMENT HAS ISSUED REGISTRY**
19 **IDENTIFICATION CARDS AND THE AUTHORIZED DISPENSING CENTER OR**
20 **PHARMACY OF EACH REGISTERED QUALIFYING PATIENT.**

21 **(2) THE NAMES OF INDIVIDUALS AND OTHER IDENTIFYING**
22 **INFORMATION OF THE LIST:**

23 **(I) ARE CONFIDENTIAL;**

24 **(II) MAY NOT BE CONSIDERED A PUBLIC RECORD; AND**

25 **(III) MAY NOT BE DISCLOSED EXCEPT TO:**

26 **1. AUTHORIZED EMPLOYEES OF THE DEPARTMENT**
27 **AS NECESSARY TO PERFORM OFFICIAL DUTIES OF THE DEPARTMENT; OR**

28 **2. AUTHORIZED EMPLOYEES OF STATE OR LOCAL**
29 **LAW ENFORCEMENT, TO VERIFY THAT AN INDIVIDUAL WHO IS ENGAGED IN THE**
30 **SUSPECTED OR ALLEGED MEDICAL USE OF MARIJUANA IS LAWFULLY IN**
31 **POSSESSION OF A REGISTRY IDENTIFICATION CARD.**

32 **(H) A REGISTRY IDENTIFICATION CARD IS VALID FOR 1 YEAR.**

1 **13-3005.**

2 (A) ANY OF THE FOLLOWING PERSONS ACTING IN ACCORDANCE WITH
3 THE PROVISIONS OF THIS SUBTITLE MAY NOT BE SUBJECT TO ARREST,
4 PROSECUTION, OR ANY CIVIL OR ADMINISTRATIVE PENALTY, INCLUDING CIVIL
5 PENALTY OR DISCIPLINARY ACTION BY A PROFESSIONAL LICENSING BOARD,
6 NOR BE DENIED ANY RIGHT OR PRIVILEGE, FOR THE MEDICAL USE OF
7 MARIJUANA:

8 (1) A QUALIFYING PATIENT OR A PATIENT'S PRIMARY CAREGIVER
9 WHO:

10 (I) HOLDS A VALID REGISTRY IDENTIFICATION CARD; OR

11 (II) HOLDS A VALID REGISTRY IDENTIFICATION CARD AND
12 IS IN POSSESSION OF AN AUTHORIZED AMOUNT OF USABLE MARIJUANA
13 PURCHASED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE;

14 (2) AN AUTHORIZED GROWER OR AN AUTHORIZED GROWER'S
15 EMPLOYEE;

16 (3) A PHARMACY THAT HOLDS A REGISTRATION PERMIT UNDER
17 THIS SUBTITLE OR A DISPENSING CENTER OR AN EMPLOYEE OF A PHARMACY OR
18 DISPENSING CENTER;

19 (4) A PHYSICIAN; OR

20 (5) ANY OTHER PERSON.

21 (B) THE POSSESSION OF, OR THE APPLICATION FOR, A REGISTRY
22 IDENTIFICATION CARD DOES NOT ALONE CONSTITUTE PROBABLE CAUSE TO
23 SEARCH AN INDIVIDUAL OR THE PROPERTY OF AN INDIVIDUAL POSSESSING OR
24 APPLYING FOR THE REGISTRY IDENTIFICATION CARD, OR OTHERWISE SUBJECT
25 THE INDIVIDUAL OR THE PROPERTY OF THE INDIVIDUAL TO INSPECTION BY A
26 GOVERNMENTAL UNIT.

27 (C) AN INDIVIDUAL MAY NOT BE SUBJECT TO ARREST OR PROSECUTION
28 FOR CONSTRUCTIVE POSSESSION, CONSPIRACY, OR ANY OTHER OFFENSE FOR
29 BEING IN THE PRESENCE OR VICINITY OF THE MEDICAL USE OF MARIJUANA AS
30 ALLOWED UNDER THIS SUBTITLE.

31 **13-3006.**

1 **(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
2 **SUBSECTION, AN AGENT OF A PHARMACY THAT HOLDS A REGISTRATION PERMIT**
3 **UNDER THIS SUBTITLE OR A DISPENSING CENTER MAY DISPENSE AN AMOUNT**
4 **OF USABLE MARIJUANA THAT DOES NOT EXCEED 6 OUNCES FOR A 30-DAY**
5 **PERIOD TO A REGISTERED QUALIFYING PATIENT OR THE QUALIFYING**
6 **PATIENT'S PRIMARY CAREGIVER IF THE INDIVIDUAL:**

7 **(I) PRESENTS A VALID REGISTRY IDENTIFICATION CARD**
8 **WITH THE IDENTIFICATION CODE OF THE PHARMACY OR DISPENSING CENTER;**
9 **AND**

10 **(II) IS REGISTERED WITH THAT PHARMACY OR DISPENSING**
11 **CENTER WITH THE DEPARTMENT AS THE PATIENT'S AUTHORIZED PHARMACY**
12 **OR DISPENSING CENTER.**

13 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
14 **SUBSECTION, AN APPROVED PHARMACY OR DISPENSING CENTER MAY NOT**
15 **DISPENSE MORE THAN 6 OUNCES OF USABLE MARIJUANA TO A REGISTERED**
16 **QUALIFYING PATIENT OR THE PATIENT'S REGISTERED PRIMARY CAREGIVER IN**
17 **A SINGLE 30-DAY PERIOD.**

18 **(3) AN APPROVED PHARMACY OR DISPENSING CENTER MAY**
19 **DISPENSE MORE THAN 6 OUNCES OF USABLE MARIJUANA TO A REGISTERED**
20 **QUALIFYING PATIENT OR A PATIENT'S PRIMARY CAREGIVER IF THE PATIENT OR**
21 **THE PATIENT'S PRIMARY CAREGIVER PRESENTS THE AGENT OF THE PATIENT'S**
22 **DESIGNATED APPROVED PHARMACY OR DISPENSING CENTER A SIGNED,**
23 **WRITTEN CERTIFICATION STATING THAT THE PATIENT NEEDS A SPECIFIED**
24 **AMOUNT OF MARIJUANA THAT IS GREATER THAN 6 OUNCES FOR A SINGLE**
25 **30-DAY PERIOD.**

26 **(B) ON RECEIPT OF THE INFORMATION REQUIRED UNDER SUBSECTION**
27 **(A) OF THIS SECTION, THE APPROVED PHARMACY OR DISPENSING CENTER**
28 **SHALL VERIFY AND LOG THE INFORMATION PRESENTED.**

29 **(C) (1) EACH APPROVED PHARMACY AND DISPENSING CENTER**
30 **SHALL MAINTAIN INTERNAL RECORDS OF EACH MARIJUANA DISPENSING**
31 **TRANSACTION.**

32 **(2) THE RECORDS REQUIRED UNDER PARAGRAPH (1) OF THIS**
33 **SUBSECTION SHALL INCLUDE:**

34 **(I) THE AMOUNT OF MARIJUANA DISPENSED;**

35 **(II) THE REGISTRY IDENTIFICATION NUMBER OF THE**
36 **INDIVIDUAL TO WHOM THE MARIJUANA WAS DISPENSED AND WHETHER THAT**

1 INDIVIDUAL WAS A QUALIFYING PATIENT OR THE QUALIFYING PATIENT'S
2 PRIMARY CAREGIVER; AND

3 (III) THE DATE AND TIME OF THE TRANSACTION.

4 (3) A RECORD MAINTAINED UNDER THIS SUBSECTION:

5 (I) IS CONFIDENTIAL; AND

6 (II) MAY NOT INCLUDE NAMES OR OTHER PERSONAL
7 IDENTIFYING INFORMATION.

8 (D) (1) A PATIENT MAY BE REGISTERED AT ONLY ONE PHARMACY OR
9 DISPENSING CENTER AT ANY TIME.

10 (2) (I) IF A REGISTERED QUALIFYING PATIENT NEEDS TO
11 CHANGE TO A DIFFERENT AUTHORIZED PHARMACY OR DISPENSING CENTER,
12 THE PATIENT SHALL:

13 1. REGISTER THE CHANGE WITH THE DEPARTMENT;
14 AND

15 2. PAY A \$15 FEE TO THE DEPARTMENT.

16 (II) WITHIN 5 BUSINESS DAYS AFTER RECEIVING A REQUEST
17 TO CHANGE A PATIENT'S DESIGNATED PHARMACY OR DISPENSING CENTER
18 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT SHALL:

19 1. UPDATE THE REGISTERED QUALIFYING
20 PATIENT'S RECORD AND THE PATIENT'S PRIMARY CAREGIVER RECORD, IF ANY;
21 AND

22 2. NOTIFY THE PATIENT THAT THE DESIGNATION
23 CHANGE REQUEST HAS BEEN PROCESSED.

24 (III) ON RECEIPT OF A PATIENT'S OLD REGISTRY
25 IDENTIFICATION CARD, THE DEPARTMENT SHALL ISSUE A NEW REGISTRY
26 IDENTIFICATION CARD TO A PATIENT WHO REGISTERS WITH A DIFFERENT
27 AUTHORIZED PHARMACY OR DISPENSING CENTER UNDER SUBPARAGRAPH (I)
28 OF THIS PARAGRAPH.

29 (IV) THE DEPARTMENT MAY LIMIT THE NUMBER OF TIMES A
30 PATIENT MAY CHANGE A DESIGNATION OF A PHARMACY OR DISPENSING
31 CENTER TO ONE TIME EVERY 30 DAYS.

1 **13-3007.**

2 **THE SECRETARY SHALL ESTABLISH A SYSTEM TO MONITOR THE**
3 **DISPENSATION OF MARIJUANA IN THE STATE FOR MEDICAL USE AS**
4 **AUTHORIZED UNDER THIS SUBTITLE.**

5 **13-3008.**

6 **A PERSON WHO KNOWINGLY GIVES FALSE INFORMATION OR MAKES A**
7 **MATERIAL MISSTATEMENT IN AN APPLICATION FOR REGISTRATION OR A**
8 **PERMIT OR IN AN APPLICATION FOR A RENEWAL OF A REGISTRATION OR**
9 **PERMIT UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON**
10 **CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE**
11 **NOT EXCEEDING \$1,000 OR BOTH.**

12 **13-3009.**

13 **(A) THIS SUBTITLE MAY NOT BE CONSTRUED TO AUTHORIZE ANY**
14 **INDIVIDUAL TO:**

15 **(1) OPERATE, NAVIGATE, OR BE IN ACTUAL PHYSICAL CONTROL**
16 **OF ANY MOTOR VEHICLE, AIRCRAFT, OR BOAT WHILE UNDER THE INFLUENCE**
17 **OF MARIJUANA;**

18 **(2) SMOKE MARIJUANA IN ANY PUBLIC PLACE;**

19 **(3) SMOKE MARIJUANA IN A MOTOR VEHICLE; OR**

20 **(4) SMOKE MARIJUANA ON PRIVATE PROPERTY THAT:**

21 **(i) 1. IS RENTED FROM A LANDLORD; AND**

22 **2. IS SUBJECT TO A POLICY THAT PROHIBITS THE**
23 **SMOKING OF MARIJUANA ON THE PROPERTY; OR**

24 **(ii) IS SUBJECT TO A POLICY THAT PROHIBITS THE**
25 **SMOKING OF MARIJUANA ON THE PROPERTY OF AN ATTACHED DWELLING**
26 **ADOPTED BY ONE OF THE FOLLOWING ENTITIES:**

27 **1. THE BOARD OF DIRECTORS OF THE COUNCIL OF**
28 **UNIT OWNERS OF A CONDOMINIUM REGIME; OR**

29 **2. THE GOVERNING BODY OF A HOMEOWNERS**
30 **ASSOCIATION.**

1 **(B) THIS SUBTITLE MAY NOT BE CONSTRUED TO PROVIDE IMMUNITY TO**
2 **A PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBTITLE FROM CRIMINAL**
3 **PROSECUTION FOR A VIOLATION OF ANY LAW PROHIBITING OR REGULATING**
4 **THE USE, POSSESSION, DISPENSING, DISTRIBUTION, OR PROMOTION OF**
5 **CONTROLLED DANGEROUS SUBSTANCES, DANGEROUS DRUGS, DETRIMENTAL**
6 **DRUGS, OR HARMFUL DRUGS OR ANY CONSPIRACY OR ATTEMPT TO COMMIT ANY**
7 **OF THOSE OFFENSES.**

8 **13-3010.**

9 **NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO REQUIRE A PUBLIC**
10 **OR PRIVATE HEALTH INSURER TO REIMBURSE AN INDIVIDUAL FOR THE COSTS**
11 **ASSOCIATED WITH THE MEDICAL USE OF MARIJUANA.**

12 **13-3011.**

13 **(A) BEGINNING OCTOBER 1, 2012, AND EACH OCTOBER 1**
14 **THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN**
15 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE**
16 **GENERAL ASSEMBLY ON:**

17 **(1) THE NUMBER OF APPLICATIONS FOR REGISTRY**
18 **IDENTIFICATION CARDS;**

19 **(2) THE NUMBER OF QUALIFYING PATIENTS AND PRIMARY**
20 **CAREGIVERS REGISTERED;**

21 **(3) THE NATURE OF THE DEBILITATING MEDICAL CONDITIONS OF**
22 **THE QUALIFYING PATIENTS;**

23 **(4) THE ENTITIES SELECTED TO GROW MARIJUANA;**

24 **(5) THE ENTITIES RECEIVING PERMITS TO DISPENSE MARIJUANA;**

25 **(6) THE NUMBER OF REGISTRY IDENTIFICATION CARDS**
26 **REVOKED;**

27 **(7) THE NUMBER OF PERMITS TO ENTITIES TO GROW OR**
28 **DISPENSE MARIJUANA REVOKED; AND**

29 **(8) THE NUMBER OF PHYSICIANS PROVIDING WRITTEN**
30 **CERTIFICATIONS FOR PATIENTS.**

31 **(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION**
32 **MAY NOT CONTAIN ANY IDENTIFYING INFORMATION OF PATIENTS, PRIMARY**

1 CAREGIVERS, ENTITIES SELECTED TO GROW OR DISPENSE MARIJUANA, OR
2 PHYSICIANS.

3 (C) ON OR BEFORE OCTOBER 1, 2013, AND EVERY 2 YEARS
4 THEREAFTER, THE SECRETARY SHALL REPORT TO THE GOVERNOR AND, IN
5 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE
6 GENERAL ASSEMBLY ON:

7 (1) WHETHER THERE ARE SUFFICIENT NUMBERS OF APPROVED
8 PHARMACIES AND DISPENSING CENTERS TO MEET THE NEEDS OF REGISTERED
9 QUALIFYING PATIENTS THROUGHOUT THE STATE;

10 (2) WHETHER THE MAXIMUM AMOUNT OF MEDICAL MARIJUANA
11 ALLOWED UNDER THIS SUBTITLE IS SUFFICIENT TO MEET THE MEDICAL NEEDS
12 OF QUALIFYING PATIENTS; AND

13 (3) WHETHER ANY APPROVED PHARMACY OR DISPENSING
14 CENTER HAS CHARGED EXCESSIVE PRICES FOR MARIJUANA THAT THE
15 PHARMACY OR CENTER DISPENSED.

16 13-3012.

17 ON OR BEFORE JANUARY 1, 2012, THE DEPARTMENT SHALL ADOPT
18 REGULATIONS TO IMPLEMENT THIS SUBTITLE.

19 13-3013.

20 (A) THE DEPARTMENT MAY ACCEPT FROM ANY SOURCE GRANTS OR
21 CONTRIBUTIONS TO BE USED IN CARRYING OUT THIS SUBTITLE.

22 (B) ANY FEES COLLECTED UNDER THIS SUBTITLE SHALL BE USED TO
23 OFFSET THE COST OF THE DEPARTMENT'S ADMINISTRATION OF THIS SUBTITLE.

24 (C) ANY FUNDS RECEIVED BY THE DEPARTMENT IN EXCESS OF THE
25 AMOUNT REQUIRED TO FULFILL THIS SUBTITLE SHALL BE DISTRIBUTED TO
26 DRUG REHABILITATION PROGRAMS THROUGHOUT THE STATE.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2011.